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10 Annette Haenel-Clemmons

11  
12 UNITED STATES DISTRICT COURT  
13 SOUTHERN DISTRICT OF CALIFORNIA  
14

15 Annette Haenel-Clemmons,

16  
17 Plaintiff,

18 vs.

19 ARS National Services, Inc.; and DOES 1-  
20 10, inclusive,

21 Defendants.  
22  
23  
24  
25  
26  
27  
28

Case No.: '13CV2029 MMABLM

**COMPLAINT FOR DAMAGES**  
**1. VIOLATION OF FAIR DEBT**  
**COLLECTION PRACTICES ACT,**  
**15 U.S.C. § 1692 *ET. SEQ.***  
**2. VIOLATION OF FAIR DEBT**  
**COLLECTION PRATICES ACT,**  
**CAL.CIV.CODE § 1788 *ET. SEQ.***

**JURY TRIAL DEMANDED**

1 For this Complaint, the Plaintiff, Annette Haenel-Clemmons, by undersigned  
2 counsel, states as follows:  
3

4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the Fair Debt  
6 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"), and the invasions of  
7 Plaintiff's personal privacy by the Defendants and its agents in their illegal efforts to  
8 collect a consumer debt.  
9

10 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.  
11

12 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that  
13 Defendants transact business here and a substantial portion of the acts giving rise to  
14 this action occurred here.  
15

16 **PARTIES**

17 4. The Plaintiff, Annette Haenel-Clemmons (hereafter "Plaintiff"), is an  
18 adult individual residing in Windsor, Virginia, and is a "consumer" as the term is  
19 defined by 15 U.S.C. § 1692a(3).  
20

21 5. The Defendant, ARS National Services, Inc. (hereafter "ARS"), is a  
22 company with an address of 960 South Andreasen Drive, Suite B, Escondido,  
23 California 92029, operating as a collection agency, and is a "debt collector" as the  
24 term is defined by 15 U.S.C. § 1692a(6).  
25  
26  
27  
28

1           6. Does 1-10 (the “Collectors”) are individual collectors employed by ARS  
2 and whose identities are currently unknown to the Plaintiff. One or more of the  
3 Collectors may be joined as parties once their identities are disclosed through  
4 discovery.  
5

6           7. ARS at all times acted by and through one or more of the Collectors.  
7

8                   **ALLEGATIONS APPLICABLE TO ALL COUNTS**

9       **A. The Debt**

10           8. A financial obligation (the “Debt”) was allegedly incurred to an original  
11 creditor (the “Creditor”).  
12

13           9. The Debt arose from services provided by the Creditor which were  
14 primarily for family, personal or household purposes and which meets the definition  
15 of a “debt” under 15 U.S.C. § 1692a(5).  
16

17           10. The Debt was purchased, assigned or transferred to ARS for collection,  
18 or ARS was employed by the Creditor to collect the Debt.  
19

20           11. The Defendants attempted to collect the Debt and, as such, engaged in  
21 “communications” as defined in 15 U.S.C. § 1692a(2).  
22

23       **B. ARS Engages in Harassment and Abusive Tactics**

24           12. Within the last year, ARS contacted Plaintiff in an attempt to collect the  
25 Debt from “Alicia Clemens” (the “Debtor”).  
26  
27  
28

1           13. Plaintiff does not know the Debtor and is in no way responsible for the  
2 Debt.

3  
4           14. During the initial conversation and during every conversation thereafter,  
5 Plaintiff informed ARS that she was not the Debtor, did not know the Debtor or her  
6 whereabouts and that Plaintiff was in no way associated with the Debt.

7  
8           15. During each conversation, Plaintiff instructed ARS to cease all  
9 communications with her.

10           16. Thereafter, despite having been so informed on several separate  
11 occasions and instructed to cease communications, ARS continued calling Plaintiff at  
12 her residential telephone in an attempt to collect the Debt at annoying and harassing  
13 rate.  
14

15  
16           17. Plaintiff was ultimately forced to seek the assistance of counsel in an  
17 effort to get ARS to stop calling.

18  
19                                   **COUNT I**  
20           **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
21                                   **15 U.S.C. § 1692, et seq.**

22           18. The Plaintiff incorporates by reference all of the above paragraphs of this  
23 Complaint as though fully stated herein.

24           19. Defendants engaged in behavior the natural consequence of which was to  
25 harass, oppress, or abuse the Plaintiff in connection with the collection of a debt, in  
26 violation of 15 U.S.C. § 1692d.  
27  
28

1           20. The Defendants caused a phone to ring repeatedly and engaged the  
2 Plaintiff in telephone conversations, with the intent to annoy and harass, in violation  
3 of 15 U.S.C. § 1692d(5).  
4

5           21. Defendants used an unfair and unconscionable means to collect the debt,  
6 in violation of 15 U.S.C. § 1692f.  
7

8           22. The foregoing acts and omissions of the Defendants constitute numerous  
9 and multiple violations of the FDCPA, including every one of the above-cited  
10 provisions.  
11

12           23. The Plaintiff is entitled to damages as a result of the Defendants'  
13 violations.  
14

15                                   **COUNT II**  
16                   **VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTION**  
17                   **PRACTICES ACT, Cal. Civ. Code § 1788 *et seq.***

18           24. The Plaintiff incorporates by reference all of the above paragraphs of this  
19 Complaint as though fully stated herein.

20           25. The Rosenthal Fair Debt Collection Practices Act, California Civil Code  
21 section 1788 *et seq.* ("Rosenthal Act") prohibits unfair and deceptive acts and  
22 practices in the collection of consumer debts.  
23

24           26. ARS National Services, Inc., in the regular course of business, engages in  
25 debt collection and is a "debt collector" as defined by Cal. Civ. Code § 1788.2(c).  
26  
27  
28



1           35. The Defendants intentionally intruded upon Plaintiff's right to privacy by  
2 continually harassing Plaintiff with the above referenced telephone calls.

3  
4           36. The telephone calls made by the Defendants to Plaintiff were so  
5 persistent and repeated with such frequency as to be considered, "hounding the  
6 plaintiff," and, "a substantial burden to her existence," thus satisfying the Restatement  
7 of Torts, Second, § 652B requirement for an invasion of privacy.  
8

9           37. The conduct of the Defendants in engaging in the illegal collection  
10 activities resulted in multiple invasions of privacy in such a way as would be  
11 considered highly offensive to a reasonable person.  
12

13           38. As a result of the intrusions and invasions, the Plaintiff is entitled to  
14 actual damages in an amount to be determined at trial from the Defendants.  
15

16           39. All acts of the Defendants and its agents were committed with malice,  
17 intent, wantonness, and recklessness, and as such, the Defendants are subject to  
18 punitive damages.  
19

20                                   **PRAYER FOR RELIEF**

21           WHEREFORE, the Plaintiff prays that judgment be entered against the  
22 Defendants:  
23

24                   A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against the  
25 Defendants;  
26  
27  
28

- 1 B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A)  
2 against the Defendants;  
3  
4 C. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C.  
5 § 1692k(a)(3) against the Defendants;  
6  
7 D. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);  
8  
9 E. Statutory damages of \$1,000.00 for knowingly and willfully committing  
10 violations pursuant to Cal. Civ. Code § 1788.30(b);  
11  
12 F. Actual damages from the Defendants for the all damages including  
13 emotional distress suffered as a result of the intentional, reckless, and/or  
14 negligent FDCPA violations and intentional, reckless, and/or negligent  
15 invasions of privacy in an amount to be determined at trial for the  
16 Plaintiff;  
17  
18 G. Punitive damages; and  
19  
20 H. Such other and further relief as may be just and proper.

21 **TRIAL BY JURY DEMANDED ON ALL COUNTS**

22 DATED: August 30, 2013

TAMMY HUSSIN

23  
24 By: /s/ Tammy Hussin  
25 Tammy Hussin, Esq.  
26 Lemberg & Associates, LLC  
27 Attorney for Plaintiff, Annette Haenel-  
28 Clemmons